



General Assembly

**Substitute Bill No. 349**

January Session, 2015



**AN ACT CONCERNING SINGLE-USE CARRYOUT PLASTIC AND  
PAPER BAGS AND THE USE OF REUSABLE BAGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this  
2 section:

3 (1) "Compostable bag" means a bag capable of being subjected to a  
4 process of accelerated biological decomposition of organic material  
5 under controlled conditions and that, at a minimum, meets the  
6 American Society for Testing and Materials, (ASTM), International  
7 Standard Specification for Compostable Plastics D6400, as updated.

8 (2) "Postconsumer recycled material" means a material that is  
9 destined for solid waste disposal because of the completion of such  
10 material's intended end use and product life cycle. "Postconsumer  
11 recycled material" does not include materials and byproducts  
12 generated from, and commonly reused within, an original  
13 manufacturing and fabrication process.

14 (3) "Recycled paper bag" means a paper carryout bag provided by a  
15 store to a customer at the point of sale that meets each of the following  
16 requirements: (A) Except as provided in subparagraph (B) of this  
17 subdivision, contains a minimum of forty per cent postconsumer  
18 recycled materials, (B) for an eight pound or smaller recycled paper

19 bag, contains a minimum of twenty per cent postconsumer recycled  
20 material, (C) is accepted for recycling in curbside programs in a  
21 majority of households that have access to curbside recycling  
22 programs in the state, and (D) does not contain any fibers from old  
23 growth timber stands.

24 (4) "Reusable bag" means a bag that is provided or sold by a store to  
25 a customer at the point of sale that meets the requirements set forth in  
26 subsection (d) of this section.

27 (5) "Single-use carryout bag" means a bag made of plastic, paper or  
28 other material that is provided by a store to a customer at the point of  
29 sale and that is not an one hundred per cent recyclable bag, a  
30 compostable bag, a recycled paper bag or a reusable bag. "Single-use  
31 carryout bag" does not include any of the following: (A) A bag  
32 provided by a pharmacy to a customer purchasing a prescription  
33 medication, (B) a nonhandled bag used to protect a purchased item  
34 from damaging or contaminating other purchased items when placed  
35 in a one hundred per cent recyclable bag, a compostable bag, a  
36 recycled paper bag or a reusable bag, (C) a bag provided to contain an  
37 unwrapped food item, or (D) a nonhandled bag that is designed to be  
38 placed over: (i) Articles of clothing on a hanger, or (ii) a newspaper.

39 (6) "Store" means a retail establishment that meets any of the  
40 following requirements: (A) Is a full-line, self-service retail store with  
41 gross annual sales of two million dollars or more and that sells a line of  
42 dry groceries, canned goods or nonfood items and some perishable  
43 items, (B) contains not less than ten thousand square feet of retail space  
44 that generates sales or use tax in accordance with title 12 of the general  
45 statutes, (C) is a convenience food store, foodmart or other entity that  
46 is engaged in the retail sale of a limited line of goods, generally  
47 including milk, bread, soda and snack foods, or (D) is a convenience  
48 food store, foodmart or other entity that is engaged in the retail sale of  
49 goods intended to be consumed off the premises.

50 (b) (1) On and after October 1, 2015, and until October 1, 2017, no

51 store shall provide or sell to any customer at the point of sale a single-  
52 use carryout bag at a cost of less than ten cents.

53 (2) Any funds collected by a store pursuant to subdivision (1) of this  
54 subsection shall be retained by such store provided such funds shall be  
55 used for the following purposes: (A) Actual costs of compliance with  
56 the provisions of this subsection, (B) costs associated with providing  
57 single-use carryout bags pursuant to this subsection, and (C) costs  
58 associated with the employee and customer education and awareness  
59 campaign described in subdivision (3) of this subsection.

60 (3) On and after October 1, 2015, and until October 1, 2017, each  
61 store shall develop and implement an employee and customer  
62 education and awareness campaign that, at a minimum, shall include  
63 the following: (A) Training for each employee who engages with  
64 customers at the point of sale. Such training shall instruct such  
65 employees on ways to reduce the use of single-use carryout bags,  
66 effective ways to communicate with customers about the requirements  
67 of this section, including, but not limited to, ways to encourage  
68 customers to reduce the use of single-use carryout bags, (B) advertising  
69 and educational materials and efforts that inform customers about  
70 requisite charges for single-use carryout bags and that encourage the  
71 use of reusable bags, including, but not limited to, reusable bag  
72 giveaways, and (C) whenever audio broadcasting is available and  
73 utilized by such store, audio messages that provide customers with  
74 information concerning the provisions of this subsection and that  
75 encourage customers to utilize reusable bags.

76 (4) On and after October 1, 2015, and until October 1, 2017, each  
77 store shall establish not less than one collection point on the premises  
78 of such store for the collection and receipt from customers of clean  
79 single-use carryout bags. Such store shall assure the proper disposal of  
80 such single-use carryout bags that the store collects from customers  
81 pursuant to this subdivision.

82 (5) Nothing in this subsection shall be construed to negate,

83 supersede or preempt any local or municipal ordinance relative to the  
84 use of single-use carryout bags that took effect on or before the  
85 effective date of this section.

86 (c) (1) On and after October 1, 2017, no store shall provide or sell to  
87 a customer at the point of sale a single-use carryout bag. On and after  
88 October 1, 2017, and until October 1, 2019, a store may provide or sell  
89 to a customer at the point of sale a bag that is: (A) One hundred per  
90 cent recyclable, (B) compostable, or (C) a recycled paper bag, provided  
91 any such one hundred per cent recyclable or compostable bag or  
92 recycled paper bag is provided or sold by such store to any customer  
93 at the point of sale at a cost of not less than ten cents.

94 (2) (A) Any one hundred per cent recyclable bag that is provided or  
95 sold by a store in accordance with subdivision (1) of this subsection  
96 shall contain, in a prominent and conspicuous location on such bag,  
97 the following statement: "THIS BAG IS 100% RECYCLABLE. PLEASE  
98 REUSE THIS BAG AND THEN RECYCLE THIS BAG WHEN IT IS NO  
99 LONGER USEABLE. REDUCE, REUSE AND RECYCLE."

100 (B) Any compostable bag that is provided or sold by a store in  
101 accordance with the provisions of subdivision (1) of this subsection  
102 shall contain, in a prominent and conspicuous location on such bag,  
103 the following statement: "THIS BAG IS COMPOSTABLE. PLEASE  
104 REUSE THIS BAG AND THEN COMPOST THIS BAG WHEN IT IS  
105 NO LONGER USEABLE. REDUCE, REUSE AND RECYCLE."

106 (C) Any recycled paper bag that is provided or sold by a store in  
107 accordance with the provisions of subdivision (1) of this subsection  
108 shall contain, in a prominent and conspicuous location on such bag,  
109 the following statement: "THIS BAG IS MADE FROM NOT LESS  
110 THAN (INDICATE PERCENTAGE)% POSTCONSUMER RECYCLED  
111 MATERIAL. PLEASE REUSE THIS BAG AND THEN RECYCLE THIS  
112 BAG WHEN IT IS NO LONGER USEABLE. REDUCE, REUSE AND  
113 RECYCLE."

114 (3) Any funds collected by a store pursuant to subdivision (1) of this  
115 subsection shall be retained by such store provided such funds shall be  
116 used for the following purposes: (A) Actual costs of compliance with  
117 the provisions of this subsection, (B) costs associated with providing  
118 one hundred per cent recyclable bags, compostable bags and recycled  
119 paper bags pursuant to this subsection, and (C) costs associated with  
120 the employee and customer education and awareness campaign  
121 described in subdivision (4) of this subsection.

122 (4) On and after October 1, 2017, and until October 1, 2019, each  
123 store shall develop and implement an employee and customer  
124 education and awareness campaign that, at a minimum, shall include  
125 the following: (A) Training for each employee who engages with  
126 customers at the point of sale. Such training shall instruct such  
127 employees on ways to reduce the use of one hundred per cent  
128 recyclable bags, compostable bags and recycled paper bags, effective  
129 ways to communicate with customers about the requirements of this  
130 subsection, including, but not limited to, ways to encourage customers  
131 to reduce the use of one hundred per cent recyclable bags, compostable  
132 bags and recycled paper bags, (B) advertising and educational  
133 materials and efforts that inform customers about requisite charges for  
134 one hundred per cent recyclable bags, compostable bags and recycled  
135 paper bags and that encourage the use of reusable bags, including, but  
136 not limited to, reusable bag giveaways, and (C) whenever audio  
137 broadcasting is available and utilized by such store, audio messages  
138 that provide customers with information concerning the provisions of  
139 this subsection and that encourage customers to utilize reusable bags.

140 (5) On and after October 1, 2017, and until October 1, 2019, each  
141 store shall establish not less than one collection point on the premises  
142 of such store for the collection and receipt from customers of clean one  
143 hundred per cent recyclable bags. Such store shall assure the proper  
144 recycling of such one hundred per cent recyclable bags that the store  
145 collects from customers pursuant to this subdivision.

146 (6) Nothing in this subsection shall be construed to negate,

147 supersede or preempt any local or municipal ordinance relative to the  
148 use of single-use carryout bags, one hundred per cent recyclable bags,  
149 compostable bags or recycled paper bags that took effect on or before  
150 the effective date of this section.

151 (d) (1) On and after October 1, 2019, no store shall provide or sell to  
152 any customer at the point of sale any bag unless such bag is a reusable  
153 bag. Each store may sell any such reusable bag at a price as established  
154 by such store. Nothing in this subdivision shall be construed to  
155 prohibit any store from providing any customer with a reusable bag  
156 free of charge.

157 (2) Any reusable bag provided or sold by a store to any customer at  
158 the point of sale in accordance with the provisions of subdivision (1) of  
159 this subsection shall: (A) Have a handle and be designed for numerous  
160 reuses, (B) be machine washable or made from a material that can be  
161 cleaned or disinfected, (C) if the bag is made of durable plastic, be not  
162 less than 2.25 mils thick, and (D) not contain lead, cadmium or any  
163 other toxic material that may pose a threat to public health.

164 (3) On and after October 1, 2019, the provisions of this subsection  
165 shall be deemed to supersede and preempt any local or municipal  
166 ordinance relative to the use of single-use carryout bags, one hundred  
167 per cent recyclable bags, compostable bags, recycled paper bags or  
168 reusable bags that took effect on or before the effective date of this  
169 section.

170 (e) Any city, town or municipality may fine any store located in  
171 such city, town or municipality for knowingly violating the provisions  
172 of this section. Any such fine shall be in the amount of one thousand  
173 dollars per day for the first violation, two thousand dollars per day for  
174 the second violation and five thousand dollars per day for the third  
175 and any subsequent violation. Any fine imposed pursuant to this  
176 subsection shall be remitted to the city, town or municipality that  
177 imposed such fine.

178       Sec. 2. Section 22a-255e of the general statutes is repealed. (*Effective*  
179       *October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2017</i>	Repealer section

**ENV**       *Joint Favorable Subst.*

**PD**        *Joint Favorable*